

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
CENTRAL DIVISION**

UNITED STATES OF AMERICA)	
)	
V.)	CASE NOS.: 4:19-CR-00219-3-BRW
)	4:21-CR-00215-1-BRW
CHRISTOPHER DAVID HIGGINS)	

MOTION FOR TEMPORARY RELEASE

The Defendant, Christopher David Higgins, by and through his counsel, Erin Cassinelli, states in support of his Motion for Temporary Release:

1. On May 8, 2019, the Grand Jury for the U.S. District Court for the Eastern District of Arkansas returned an indictment charging Mr. Higgins with conspiracy to possess with intent to distribute and to distribute methamphetamine in violation of 21 U.S.C. § 841(a)(1), (b)(1)(B) and 21 U.S.C. § 846; and one count of distribution of methamphetamine in violation of 21 U.S.C. § 841(a)(1) and (b)(1)(C).

2. On September 16, 2019, Magistrate Judge Joe Volpe released Mr. Higgins on conditions.

3. On September 2, 2021, the Grand Jury for the U.S. District Court for the Eastern District of Arkansas returned a new indictment on Mr. Higgins charging him with possession of firearms in violation of 18 U.S.C. § 922(g)(1) and 18 U.S.C. § 3147; and one count of possession with intent to distribute less than 50 kilograms of a mixture and substance containing a detectable amount of marijuana, a Schedule 1 controlled substance, in violation of 21 U.S.C. § 841(a)(1) and § 841(b)(1)(D). Mr. Higgins subsequently entered pleas of not guilty and his cases have been consolidated. He has been in custody since the return of the second indictment.

4. On March 16, 2022, Mr. Higgins entered a plea of guilty to distribution of a controlled substance (methamphetamine), in violation of 21 U.S.C. §§ 841(a)(1) and 841(b)(1)(C), and possession of a firearm by a felon while on pretrial release, in violation of 18 U.S.C. §§ 922(g)(1) and 3147. He is currently housed in the Phillips County jail awaiting sentencing, which is scheduled for 10:00 AM on January 19, 2023.

5. In 2020, Mr. Higgins had surgery to remove part of his colon due to a bowel abscess. During the surgery, two hernias were also discovered. Following the surgery, Mr. Higgins' stomach muscles did not heal properly, resulting in another hernia. For years he has been waiting on a complex surgery to repair the hernia, which also requires Botox procedures on his abdominal wall muscles to attempt to strengthen them prior to surgery. On June 23, 2022, the Court granted Defendant's unopposed motion to continue his sentencing hearing to allow time for his doctors to perform the operation and conduct his follow-up appointments, and to allow Defendant to sufficiently recover from surgery so that he can assist counsel and make informed decisions in his case. *See* Case No. 4:19-cr-00219-3-BRW at DE 124; Case No. 4:21-cr-000215-1-BRW at DE 45. The Court has previously granted Mr. Higgins temporary release for him to attend medical appointments in preparation for this surgery. *See* Case No. 4:19-cr-00219-BRW at DE 99, 105, 110, 118, and 127; Case No. 4:21-CR-00215-BRW at DE 48.

6. Mr. Higgins's hernia repair surgery is presently scheduled for October 12, 2022. Prior to his surgery, Mr. Higgins will need to attend an appointment to evaluate him for botox injections and a separate appointment for the injection procedure. His botox injection evaluation is presently scheduled for 9:00 am on September 6, 2022, and the injection procedure is scheduled for 11:30 am on October 3, 2022.

7. Mr. Higgins asks this Court to permit his temporary release on September 6, 2022, so that he can attend his botox injection evaluation appointment at 9:00 am with Dr. Mary E. Meek at the UAMS Interventional Radiology Clinic, 4110 Outpatient Circle, Little Rock, Arkansas 72205. Clinic staff advised defense counsel that Mr. Higgins will need to arrive at this appointment no later than 8:45 am. Clinic staff advised defense counsel that this appointment should not take longer than an hour. Mr. Higgins's family proposes picking him up from Phillips County Jail at 6:30 am and transporting him to the aforementioned location before returning him to the Phillips County Jail by 12:30 pm that same day.

8. Mr. Higgins also asks this Court to permit his temporary release on October 3, 2022, so that he can attend his botox injection procedure appointment at 11:30 am at UAMS Interventional Radiology Clinic, 4110 Outpatient Circle, Little Rock, Arkansas 72205. Clinic staff advised defense counsel that Mr. Higgins will need to arrive at this appointment no later than 10:00 am. Clinic staff advised defense counsel that this appointment should take several hours. Mr. Higgins's family proposes picking him up from Phillips County Jail at 7:45 am and transporting him to the aforementioned location before returning him to the Phillips County Jail by 7:00 pm that same day.

9. Given the considerable distance involved¹ and the potential for delays with the jail that Mr. Higgins has already experienced, defense counsel feels the above times are the necessary minimum.

10. Mr. Higgins also asks this Court to permit his temporary release to attend his surgery appointment on October 12, 2022, at the UAMS Surgery Clinic, 4110 Outpatient Circle,

¹ The distance from Phillips County Jail to UAMS is approximately 120 miles and 2.25 hours of travel time each direction.

Little Rock, Arkansas 72205. Clinic staff advised defense counsel that Mr. Higgins will be the first patient on the surgery schedule that morning. He will need to arrive at the Clinic by 5:00 AM on the morning of his surgery. Clinic staff advised defense counsel that Mr. Higgins will require at least five to seven days of inpatient post-operative care at UAMS, assuming that no complications arise. Clinic staff further advised defense counsel that they cannot accurately predict how much longer he would need to remain in inpatient post-operative care if complications were to arise. Mr. Higgins's family proposes picking him up from the Phillips County Jail that morning at 2:30 am on October 12, 2022, and transporting him to the aforementioned location, and immediately returning him to the Phillips County Jail upon his post-operative discharge from UAMS, but in any event no later than 7:00 PM on October 19, 2022, pending further order of this Court.

11. If complications arise requiring Mr. Higgins to remain in post-operative inpatient care at UAMS beyond October 19, 2022, defense counsel will notify the court as soon as possible to request a further order extending the period of his temporary leave and commanding that, immediately upon him being discharged from UAMS, his family shall return him directly to the Phillips County Jail.

12. The Higgins family stands ready to comply with any additional conditions the Court feels are appropriate.

13. Alternatively, Mr. Higgins requests that this Court enter an order directing the U.S. Marshal Service to transport Mr. Higgins to the UAMS Surgery Clinic by 5:00 am on October 12, 2022, for his scheduled surgery, and to return him to his detention facility upon being discharged from UAMS.

14. It is necessary to perform the surgery with the medical team who has evaluated him over time, as the surgical procedure is complex and it is doubtful it could be adequately performed through BOP outside medical services.

15. AUSA Benecia Moore defers to the Court's judgment as to this request.

WHEREFORE, the Defendant, Christopher Higgins, asks the Court to grant his motion, and for any other relief the Court finds appropriate.

Respectfully Submitted,

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